

REMARKS/ARGUMENTS

Claims 1, 3-6, 10, 12, 13, 15, 17, 19, and 21-26 are pending in the present application.

Claims 1, 3, 4, 10, 12, 13, 15, 17, and 19 have been amended.

Claims 2, 7-9, 11, 14, 16, 18, and 20 have been canceled without prejudice.

Claims 21-26 have been added. Support for the new claims 21-26 can be found, for example, in the illustrative embodiments discussed in Paragraph [0037] and FIG. 3. No new matter has been added.

Reconsideration of claims 1, 3-6, 10, 12, 13, 15, 17, 19, and 21-26 of the present application is respectfully requested.

Applicant thanks for the Examiner acknowledging the allowance of claims 4-5, 12, 15, 17, and 19, which were objected to as being dependent from rejected base claims and which would be allowed if rewritten in independent form. Claims 4, 12, 15, 17, and 19 each has been rewritten in independent form. Accordingly, claims 4-5, 12, 15, 17, and 19 are believed to allowable.

Section 103 Rejection of Claims 1, 3, 10, and 13

The Office Action rejected claims 1-3, 7, 10-11, and 13-14 under 35 U.S.C. Section 103(a) for being obvious over U.S. Patent Application 6,263,209 to Reed et al. ("Reed") in view of U.S. Patent No. 6,898,569 to Bansal et al. ("Bansal"). As shown, claims 2, 7, 11, and 14 have been canceled. The rejections of claims 2, 7, 11, and 14 are moot. Claims 1, 3, 10, and 13 remain for examination.

Claim 1 has been amended to incorporate the element "following the transmission of the first message by the transmission unit, the second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit" of claim 2. As shown, the communication device of claim 1 includes transmission of the first message before the second message. Specifically, the second message is transmitted when input indicating confirmation of the transmission of the first message is provided through the input unit. Applicant asserts that the combination of Reed and

Bansal fails to teach or suggest that the second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit.

As conceded in the Office Action, Reed fails to teach or suggest following the transmission of the first message by the transmission unit, the second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit.

The Office Action asserted that Bansal teaches "transmitting the first message when no input indicating transmission cancellation is provided" by referring to "wherein if user does not confirm that he or she will be late, the scheduling unit will automatically send a message to the other attendees informing them that the user will be late." (Col. 4, Lines 37-62). The Office Action concluded that it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed to incorporate custom default message as taught by Bansal in order to not only tell others that the user will be late for a meeting but inform them of how many minutes that the user will be delayed thereby allowing the meeting to be scheduled or cancelled based on how late the user will be as disclosed by Bansal.

Applicant respectfully submits, however, that the Office Action has failed to clearly identify, or even point out, where Bansal teaches transmitting a second message after a first message. In fact, Applicant earnestly submits that Bansal is completely silent as to a second message and thus fails to teach a second message transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit" recited in claim 1.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness. (M.P.E.P §2141). It is respectfully submitted that a *prima facie* case of obviousness has not been made since Bansal does not teach transmitting a second message.

Indeed, Bansal clearly shows that if a user can confirm that he is not late, then scheduling system 300 does not send a message. If the user is struck in traffic, then scheduling

system 300 will automatically notify the attendee. (Col. 4, Lines 56-62). As shown, Bansal either does not send a message or automatically sends a message to the attendee. Bansal does not transmit a second message. Furthermore, Bansal does not disclose transmitting a second message when input indicating confirmation of the transmission of the first message is provided.

Since Bansal is completely silent as to transmitting a second message, Bansal cannot serve to supply the teaching of transmitting a second message that is missing in Reed. The combination of Reed and Bansal, therefore, fails to teach or suggest the transmission of the first message by the transmission unit, followed by the second message being transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit, namely:

a control unit configured ... to control the transmission unit to transmit the first message ..., wherein following the transmission of the first message by the transmission unit, the second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit.

Accordingly, claim 1 is not obvious over Reed and Bansal and is, therefore, believed allowable. Claim 3 depends from claim 1 and is allowable by virtue of its dependency. Similarly amended independent claims 10 and 13 are not obvious over Reed and Bansal and are allowable over the art of record for at least the same reason. Reconsideration and withdrawal the rejections of claims 1, 3, 10 and 13 are respectfully requested.

Section 103 Rejection of Claim 6

The Office Action rejected claim 6 under 35 U.S.C. Section 103(a) for being obvious over Reed in view of Bansal and further in view of U.S Patent Publication No. 2003/0108156 to Komaki et al. ("Komaki").

Claim 6 depends from claim 1. Though disclosing various features, Komaki fails to cure the deficiency of Reed and Bansal. That is, Komaki also fails to teach or suggest following the transmission of the first message by the transmission unit, the second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit. Therefore, claim 6 is not obvious over the art of record by virtue of dependency. Reconsideration and withdrawal the rejection of claim 6 is respectfully requested.

Appended Claims 21-26

Claims 21-26 are newly added. Like claim 1, claim 21 is allowable over the art of record. Claims 22, 23 depend from claim 21 and are allowable by virtue of their dependencies. Claims 24-26 directly or indirectly depend from claim 1 and are, therefore, allowable over the art of record.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY:MYH
61272163 v1